

**In The United States Patent and Trademark Office
On Appeal From The Examiner To The Board
of Patent Appeals and Interferences**

In re Application of: Greg E. McRae
Serial No.: 10/807,217
Filing Date: March 22, 2004
Group Art Unit: 3727
Confirmation No.: 3298
Examiner: Stephen J. Castellano
Title: UNDERGROUND TANK SHROUD ASSEMBLY

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Appeal Brief

Appellant has appealed to the Board of Patent Appeals and Interferences ("Board") from the decision of the Examiner mailed January 29, 2008, finally rejecting pending Claims 1-12, 15-16, and 19-36 ("Final Office Action"). Appellant received an Advisory Action on April 21, 2008 ("Advisory Action") maintaining the rejections of the Final Office Action. Appellant filed a Notice of Appeal on May 29, 2008 along with a Pre-Appeal Brief Request for Review. The Pre-Appeal Panel in a decision of July 3, 2008, determined that this Application should Proceed to Appeal. Appellant respectfully submits this Appeal Brief.

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Real Party-In-Interest

The real party-in-interest for this Application is TRN Business Trust, a Delaware business trust, by virtue of a chain of title from the inventor to the current assignee, as shown below:

1. From: Greg E. McRae

 To: TRN Business Trust
 Assignment recorded at Reel 015136, Frame 0756,
 on March 22, 2004

Related Appeals and Interferences

The Appellant, the undersigned Attorney for Appellant, and the Assignees know of no applications on appeal that may directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

Status of Claims

Claims 1-12, 15-16, and 19-44 are pending in this Application. Claims 37-44 are withdrawn, and Claims 1-12, 15-16, and 19-36 stand rejected pursuant to the Final Office Action mailed January 29, 2008 and a Notice of Panel Decision from Pre-Appeal Brief Review mailed July 3, 2008. Specifically, Claims 1-12, 15-16, 19-34 and 36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over German reference No. DE 20004612 to Kewitz (“*Kewitz*”) in view of U.S. Publication No. 2004/0247389 to Fuchs (“*Fuchs*”) and U.S. Patent No. 6,296,135 to Anderson et al. (“*Anderson*”). Claim 35 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kewitz* in view of *Fuchs* and *Anderson* and further in view of U.S. Patent No. 6,024,243 to Palazzo (“*Palazzo*”). For the reasons discussed below, Appellant respectfully submits that these rejections are improper and should be reversed by the Board. Accordingly, Appellant presents Claims 1-12, 15-16, and 19-36 for Appeal and sets forth these claims in Appendix A.

Status of Amendments

All amendments submitted by Appellant were entered by the Examiner prior to the mailing of the Advisory Action on April 21, 2008.

Summary of Claimed Subject Matter

This application relates generally to underground tanks and, more particularly, to an underground tank shroud assembly. (pg. 1, lines 2-4).¹

Underground tanks may be used to store various materials, such as liquid propane gas, below the earth's surface. (pg. 2, lines 2-5). These materials may be used for either residential or commercial purposes. (pg. 2, lines 4-5). The tanks used to store these materials generally include a riser extending towards the surface of the earth. (pg. 2, lines 6-7). To protect this riser from elements in the ground, a shroud may surround the riser. (pg. 2, lines 7-8). This shroud usually includes a small lid that opens, providing access to valves located at the top of the riser. (pg. 2, lines 9-11).

An underground tank shroud assembly that reduces or eliminates some of the disadvantages of previous shroud assemblies is provided by the present disclosure. According to one embodiment, an underground tank shroud assembly comprises a shroud comprising a top region and a base region, wherein the shroud is configured to circumferentially enclose a riser of an underground tank. (pg. 7, lines 6-8). A shroud lid is configured to cover the top region of the shroud and is coupled to the shroud at both a first hinge coupling and a second hinge coupling when the shroud lid is in a closed position. (pg. 9, lines 8-11; pg. 10, lines 1-11).

According to a further embodiment, an underground tank and shroud assembly are disclosed. (pg. 7, lines 2-6). The underground tank comprises a tank body and a riser extending substantially vertically from the body towards a surface of the earth. (pg. 7, lines 4-6; pg. 8, lines 1-3). The shroud assembly comprises a shroud comprising a top region and a base region, wherein the shroud is configured to circumferentially enclose the riser of the underground tank. (pg. 7, lines 6-8). A shroud lid is configured to cover the top region of the shroud and is coupled to the shroud at both a first hinge coupling and a second hinge coupling when the shroud lid is in a closed position. (pg. 9, lines 8-11; pg. 10, lines 1-11).

With regard to the independent claims currently under Appeal, Appellant provides the following concise explanation of the subject matter recited in the claim elements. For brevity, Appellant does not necessarily identify every portion of the Specification and drawings relevant to the recited claim elements. Additionally, this explanation should not be

¹ All citations in this section of the Appeal Brief are to Appellant's originally filed specification.

used to limit Appellant's claims but is intended to assist the Board in considering the Appeal of this Application.

For example, Claim 1 recites the following:

An underground tank shroud assembly, comprising: (e.g., pg. 7, line 2; Figure 1)

a shroud comprising a top region and a base region, the shroud configured to circumferentially enclose a riser of an underground tank; (e.g., pg. 7, lines 6-8; Figure 1) and

a shroud lid configured to cover the top region of the shroud, the shroud lid coupled to the shroud at both a first hinge coupling and a second hinge coupling, when the shroud lid is in a closed position. (e.g., pg. 9, lines 8-11; pg. 10, lines 1-11; Figures 1 & 2)

As another example, Claim 24 recites the following:

An underground tank and shroud assembly, comprising: (e.g., pg. 7, line 2; Figure 1)

an underground tank comprising: (e.g., pg. 7, lines 4-6; Figure 1)

a tank body; and (e.g., pg. 7, lines 4-6; Figure 1)

a riser extending substantially vertically from the body towards a surface of the earth; (e.g., pg. 8, lines 1-3; Figure 1) and

a shroud assembly comprising: (e.g., pg. 7, line 2; Figure 1)

a shroud comprising a top region and a base region, the shroud configured to circumferentially enclose the riser of the underground tank; (e.g., pg. 7, lines 6-8; Figure 1) and

a shroud lid configured to cover the top region of the shroud, the shroud lid coupled to the shroud at both a first hinge coupling and a second hinge coupling, when the shroud lid is in a closed position. (e.g., pg. 9, lines 8-11; pg. 10, lines 1-11; Figures 1 & 2)

Grounds of Rejection to be Reviewed on Appeal

Appellant request the Board to review:

I. the Examiner's rejection of Claims 1-12, 15-16, 19-34 and 36 under 35 U.S.C. § 103(a) as being unpatentable over German reference No. DE 20004612 to Kewitz ("*Kewitz*") in view of U.S. Publication No. 2004/0247389 to Fuchs ("*Fuchs*") and U.S. Patent No. 6,296,135 to Anderson et al. ("*Anderson*"); and

II. the Examiner's rejection of Claim 35 under 35 U.S.C. § 103(a) as being unpatentable over *Kewitz* in view of *Fuchs* and *Anderson* and further in view of U.S. Patent No. 6,024,243 to Palazzo ("*Palazzo*").

Argument

Appellant has made an effort to group claims to reduce the burden on the Board, as contemplated by 37 C.F.R. § 41.37(c)(I)(vii). Where appropriate, Appellant presents arguments as to why particular claims subject to a ground of rejection are separately patentable from other claims subject to the same ground of rejection. To reduce the number of groups and thereby reduce the burden on the Board, Appellant does not argue individually every claim that recites patentable distinctions over the references cited by the Examiner, particularly in light of the clear allowability of Appellant's independent claims. The claims of each group provided below may be deemed to stand or fall together for purposes of this Appeal.

Appellant have concluded that the claims may be grouped together as follows:

1. Group 1 may include Claims 1-3, 5-7, 9-12, 15, 20-26, 28-30, and 32-36;
2. Group 2 may include Claims 4, 16, and 27; and
3. Group 3 may include Claims 8, 19, and 31.

I. Claims 1-12, 15-16, 19-34 and 36 are allowable over the *Kewitz-Fuchs-Anderson* combination.

Group 1: Claims 1-3, 5-7, 9-12, 15, 20-26, 28-30, 32-34, and 36 are allowable over the *Kewitz-Fuchs-Anderson* combination.

Clam 1 is directed to an underground tank shroud assembly including a shroud. The shroud includes a top region and a base region and is configured to circumferentially enclose a riser of an underground tank. The assembly also includes a shroud lid. The shroud lid is configured to cover the top region of the shroud and is coupled to the shroud at both a first hinge coupling and a second hinge coupling, when the shroud lid is in a closed position.

The Final Office Action contends that "Kewitz discloses the invention except for the shroud lid having two hinge couplings." *Final Office Action*, pg. 2. It further contends that, "Fuchs teaches a cover arrangement capable of performing as a shroud with a lid having two hinge couplings." *Final Office Action*, pg. 2. In response to Appellant's previous arguments, the Final Office Action further contends that "Kewitz is modified to have two hinge

couplings, two Kewitz-type hinge couplings not two Fuchs-type hinge couplings.” *Final Office Action*, pg. 4. Appellant respectfully maintains that this combination is still improper.

When proposing a combination of references for an obviousness rejection, a reference “must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention.” M.P.E.P. § 2141.02 (VI). Whenever “the teachings of two or more prior art references conflict, the examiner must weigh the power of each reference to suggest solutions to one of ordinary skill in the art.” M.P.E.P. § 2143.01 (II). As discussed below, the teachings of *Kewitz* and *Fuchs* do conflict and would not suggest the Examiner’s proposed combination to one of ordinary skill in the art.

Figure 1 of *Kewitz* appears to show element 13 that secures element 12 to element 11 when element 12 is in a closed position. *Fuchs* discloses a cover device with two “rotation and fixation devices” that allow “the cover [to] be lifted up in a direction perpendicular to the frame, without being tilted with respect to the frame, and during lifting the fixation/rotation devices become disengaged.” *Fuchs*, ¶ 0014. The pivot elements of *Fuchs* can not be engaged simultaneously, and the engagement can only occur when one end is rotated upward. See *Fuchs*, Claim 4; ¶ 0016; Fig. 3. The pivot elements only interlock when an end is rotated upward, and when *Fuchs* is in a closed position, neither pivot element is interlocked to provide a hinge coupling. See *Fuchs*, ¶ 0025; Fig. 1. Therefore, *Kewitz* discloses a coupling that secures an element in a closed position, while *Fuchs* discloses pivot elements that do not secure an element in a closed position. Modifying *Kewitz* to include the “rotation and fixation devices” of *Fuchs* would change the principle of operation of *Kewitz* and cause *Kewitz* to be unsatisfactory for its intended purpose. Because of this conflict, there is no indication that *Fuchs* would suggest, to a person of ordinary skill in the art, the combination of any elements of *Fuchs* with *Kewitz*.

Finally, the M.P.E.P. and the Federal Circuit repeatedly warn against using an applicant's disclosure as a blueprint to reconstruct the claimed invention. For example, the M.P.E.P. states, “[t]he tendency to resort to ‘hindsight’ based upon applicant's disclosure is often difficult to avoid due to the very nature of the examination process. However, impermissible hindsight must be avoided and the legal conclusion must be reached on the basis of the facts gleaned from the prior art.” M.P.E.P. § 2142. As discussed above, it certainly would not have been obvious to one of ordinary skill in the art at the time of the invention, based solely on the prior art, *to even attempt* to incorporate the teachings of *Fuchs*

into the teachings of *Kewitz*, because *Kewitz* and *Fuchs* teach different and mutually exclusive coupling elements. Therefore, Appellant respectfully contends that the Examiner is using Appellant's own application as a blueprint to combine references of the prior art. For at least the reasons discussed above, the combination of *Kewitz* and *Fuchs* is improper and cannot support an obviousness rejection.

For at least these reasons, Appellant respectfully contends that the combination of *Kewitz*, *Fuchs*, and *Anderson* is improper and does not disclose, teach, or suggest the combination of limitations of Claim 1, and therefore respectfully request that the rejection of Claim 1 be withdrawn.

Claims 2-3, 5-7, 9-12, 15, and 20-23 each depend, either directly or indirectly, from Claim 1 and incorporate all the limitations thereof. Therefore, Claims 2-3, 5-7, 9-12, 15, and 20-23 are each patentably distinguishable from the combination of *Kewitz*, *Fuchs*, and *Anderson* for at least reasons analogous to those discussed above with regard to Claim 1.

Claim 24 includes limitations generally directed to a shroud lid configured to cover the top region of the shroud, the shroud lid coupled to the shroud at both a first hinge coupling and a second hinge coupling, when the shroud lid is in a closed position. Accordingly, Appellant contends that Claim 24 is patentably distinguishable from the combination of *Kewitz*, *Fuchs*, and *Anderson* for at least reasons analogous to those discussed above with regard to Claim 1.

Claims 25-26, 28-30, 32-34 and 36 each depend, either directly or indirectly, from Claim 24 and incorporate all the limitations thereof. Therefore, Claims 25-26, 28-30, 32-34 and 36 are each patentably distinguishable from the combination of *Kewitz*, *Fuchs*, and *Anderson* for at least reasons analogous to those discussed above with regard to Claims 1 and 24.

Group 2: Claims 4, 16, and 27 are allowable over the *Kewitz-Fuchs-Anderson* combination.

The Final Office Action rejects Claims 4, 16, and 27 under 35 U.S.C. §103(a) as being unpatentable over *Kewitz* in view of *Fuchs* and *Anderson*. Appellant respectfully traverses these rejections for the reasons stated below.

Claim 4 discloses an underground tank shroud assembly comprising a shroud lid configured to cover the top region of the shroud, wherein the shroud lid is coupled to the shroud at both a first hinge coupling and a second hinge coupling when the shroud lid is in a closed position. Claim 4 further discloses that each hinge coupling comprises a nut and bolt assembly to couple the shroud lid to the shroud. Claims 16 and 27 disclose similar limitations.

The Final Office Action contends that “Kewitz discloses the invention except for the shroud lid having two hinge couplings.” *Final Office Action*, pg. 2. The Examiner relies on *Fuchs* as disclosing these two hinge couplings. *Final Office Action*, pg. 2. The Examiner further relies on *Anderson* as disclosing a hinge with a nut and bolt connection. *Final Office Action*, pg. 3. The Examiner proposes to add this nut and bolt connection to two Kewitz-style rotation/fixation devices in order to “add a more secure lid assembly that can’t be removed or lifted as quickly or without the use of hand tools to remove the nuts.” *See Advisory Action*, pg. 1; *Final Office Action*, pg. 3. Appellant respectfully maintains that these combinations are improper for the reasons stated below.

Initially, Appellant notes that dependent Claims 4 and 16 incorporate all the limitations of Claim 1, and dependent Claim 27 incorporates all the limitations of Claim 24. Accordingly, Appellant respectfully contends that Claims 4, 16, and 27 are allowable for at least the same reasons as Claims 1 and 24.

Additionally, when proposing a combination of references for an obviousness rejection, a reference “must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. M.P.E.P. § 2141.02 (VI). Whenever “the teachings of two or more prior art references conflict, the examiner must weigh the power of each reference to suggest solutions to one of ordinary skill in the art.” M.P.E.P. § 2143.01 (II). *Fuchs* repeatedly discusses disadvantages associated with hinge couplings. *See, e.g., Fuchs*, ¶ 0007. Therefore, the Examiner proposes to extract the concept of two couplings, but not the actual fixation/rotation devices of *Fuchs* itself. *Final Office Action*, pg. 4. Appellant respectfully maintains that this is improper. Because *Fuchs* teaches away from the use of hinges, there is no indication that *Fuchs* would suggest, to a person of ordinary skill in the art, to modify the hinges of *Kewitz* in any way.

Furthermore, Appellant respectfully contends that the Examiner’s attempt to extract a nut and bolt connection from *Anderson* is improper. Figure 1 of *Kewitz* appears to show

element 13 that secures element 12 to element 11 when element 12 is in a closed position. Therefore, there is no indication that the invention of *Kewitz* needs to be modified to provide a “more secure lid assembly,” as suggested by the Examiner.

Anderson discloses a vent-on-demand hatch cover for a hatch opening of a railcar. *Anderson*, col. 1, lines 5-10. The hatch cover is attached to the opening using hinge brackets on one side and toggle locking brackets on the other side. *Anderson*, col. 2, lines 55-57. The first hinge brackets provide a hinge for which the cover is hingedly connected to. *Anderson*, col. 2, lines 57-58. The Examiner relies on this connection as disclosing a nut and bolt connection. The opposing toggle locking brackets provide a mounting for a toggle locking device “which serves to selectively lock the cover in closed and sealed position or allow the cover to be swung back in open position for loading.” *Anderson*, col. 2, lines 58-63.

Therefore, *Anderson* discloses a hatch cover having two opposing sets of brackets. When the toggle locking device is in a locked position, the hatch cover is closed and sealed. When the toggle locking device is in an unlocked position, the hatch cover is still connected at the first hinge bracket, but is allowed to swing into an open position for loading. The Examiner has not shown why these two brackets, used in conjunction, do not provide a suitably “secure lid assembly.” Furthermore, the Examiner has not shown any motivation for one having ordinary skill in the art to choose to take the nut and bolt connection of one of these two connections, and apply it to two opposing rotation/fixation devices in *Kewitz*. For at least these reasons, Appellant respectfully contends that the proposed *Kewitz-Fuchs-Anderson* combination is improper and cannot support an obviousness rejection.

Group 3: Claims 8, 19, 31 are allowable over the *Kewitz-Fuchs-Anderson* combination.

The Final Office Action rejects Claims 8, 19, and 31 under 35 U.S.C. §103(a) as being unpatentable over *Kewitz* in view of *Fuchs* and *Anderson*. Appellant respectfully traverses these rejections for the reasons stated below.

Initially, Appellant notes that dependent Claims 8 and 19 incorporate all the limitations of Claim 1, and dependent Claim 31 incorporates all the limitations of Claim 24. Accordingly, Appellants respectfully contend that Claims 8, 19, and 31 are allowable for at least the same reasons as Claims 1 and 24.

Additionally, Claim 8 discloses an underground tank shroud assembly, wherein the shroud comprises a generally conical shape. Claims 19 and 31 disclose similar limitations. The Final Office Action states that “*Fuchs* teaches a conical shaped shroud,” but fails to specifically point out where this limitation is disclosed in the reference. *Final Office Action*, pg. 3. Appellant respectfully disagrees. *Fuchs* discloses a cover arrangement for a channel arrangement or similar structure that can be installed in the ground and opened. *Fuchs*, ¶ 0037. However, no other details are provided regarding this structure or, more specifically, its shape. Therefore, Appellant respectfully contends that *Fuchs* fails to disclose, teach, or suggest a shroud comprising a generally conical shape. Neither *Kewitz* nor *Anderson* cure this deficiency. Accordingly, Appellant respectfully contends that Claims 8, 19, and 31 are patentably distinguishable from the references cited by the Examiner.

II. Claim 35 is allowable over the *Kewitz-Fuchs-Anderson-Palazzo* combination.

Group 1: Claim 35 is allowable over the *Kewitz-Fuchs-Anderson-Palazzo* combination.

The Final Office Action states that Claim 35 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Kewitz* in view of *Fuchs* and *Anderson* as applied to claim 24 and further in view of U.S. Patent No. 6,024,243 to Palazzo (“*Palazzo*”). Appellant respectfully traverses this rejection.

Claim 35 depends from Claim 24 and incorporates all the limitations thereof. In rejecting Claim 35, the Final Office Action relies on the combination of *Kewitz*, *Fuchs*, and *Anderson* as disclosing each of the limitations of Claim 24. As discussed above, the combination of *Kewitz*, *Fuchs*, and *Anderson* is improper and does not disclose, teach, or suggest each of the limitations of Claim 24. *Palazzo* does not cure this deficiency. Therefore, Appellant submits that Claim 35 is allowable for at least reasons analogous to those discussed above with regard to Claims 1 and 24.

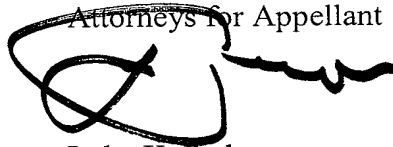
Conclusion

Appellant has demonstrated that, for at least the foregoing reasons, the present invention, as claimed, is clearly patentable over the references cited by the Examiner. Therefore, Appellant respectfully requests the Board to reverse the final rejection of the Examiner and instruct the Examiner to issue a Notice of Allowance of all pending claims.

The Commissioner is hereby authorized to charge the large entity fee of \$510.00 under 37 C.F.R. §§1.191(a) and 1.17(b) for filing this Appeal Brief to Deposit Account No. 02-0384 of Baker Botts L.L.P. The Commissioner is authorized to charge any additional fees and/or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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Date: 7/28/08

CORRESPONDENCE ADDRESS:

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Appendix A: Claims on Appeal

1. An underground tank shroud assembly, comprising:
a shroud comprising a top region and a base region, the shroud configured to circumferentially enclose a riser of an underground tank; and
a shroud lid configured to cover the top region of the shroud, the shroud lid coupled to the shroud at both a first hinge coupling and a second hinge coupling, when the shroud lid is in a closed position.
2. The assembly of Claim 1, wherein the shroud lid is operable to decouple from the shroud at either the first hinge coupling or the second hinge coupling to open the shroud lid.
3. The assembly of Claim 2, wherein:
the shroud lid is operable to pivot with respect to the shroud at the second hinge coupling when the shroud lid is opened if the shroud lid is decoupled from the shroud at the first hinge coupling to open the shroud lid; and
the shroud lid is operable to pivot with respect to the shroud at the first hinge coupling when the shroud lid is opened if the shroud lid is decoupled from the shroud at the second hinge coupling to open the shroud lid.
4. The assembly of Claim 1, wherein each hinge coupling comprises a nut and bolt assembly to couple the shroud lid to the shroud.
5. The assembly of Claim 1, wherein the shroud comprises plastic.
6. The assembly of Claim 5, wherein the plastic comprises polyurethane.
7. The assembly of Claim 5, wherein the plastic comprises polyethylene.
8. The assembly of Claim 1, wherein the shroud comprises a generally conical shape.

9. The assembly of Claim 1, wherein a bottom edge of the base region is configured to conform to a convex top surface of the underground tank.

10. The assembly of Claim 1, wherein the underground tank is configured to store liquid propane gas (LPG).

11. The assembly of Claim 1, wherein the shroud comprises at least one bracket slot proximate the base region, the at least one bracket slot configured to receive a respective bracket of the underground tank to hold the shroud into place when installed.

12. The assembly of Claim 1, wherein the shroud lid comprises a diameter of sixteen to twenty-one inches.

15. The assembly of Claim 5, wherein:

the shroud lid is operable to pivot with respect to the shroud at the second hinge coupling when the shroud lid is opened if the shroud lid is decoupled from the shroud at the first hinge coupling to open the shroud lid; and

the shroud lid is operable to pivot with respect to the shroud at the first hinge coupling when the shroud lid is opened if the shroud lid is decoupled from the shroud at the second hinge coupling to open the shroud lid.

16. The assembly of Claim 5, wherein each hinge coupling comprises a nut and bolt assembly to couple the shroud lid to the shroud.

19. The assembly of Claim 5, wherein the shroud comprises a generally conical shape.

20. The assembly of Claim 5, wherein a bottom edge of the base region is configured to conform to a convex top surface of the underground tank.

21. The assembly of Claim 5, wherein the underground tank is configured to store liquid propane gas (LPG).

22. The assembly of Claim 5, wherein the shroud comprises at least one bracket slot proximate the base region, the at least one bracket slot configured to receive a respective bracket of the underground tank to hold the shroud into place when installed.

23. The assembly of Claim 5, wherein the shroud lid comprises a diameter of sixteen to twenty-one inches.

24. An underground tank and shroud assembly, comprising:
an underground tank comprising:
a tank body; and
a riser extending substantially vertically from the body towards a surface of the earth; and
a shroud assembly comprising:
a shroud comprising a top region and a base region, the shroud configured to circumferentially enclose the riser of the underground tank; and
a shroud lid configured to cover the top region of the shroud, the shroud lid coupled to the shroud at both a first hinge coupling and a second hinge coupling, when the shroud lid is in a closed position.

25. The assembly of Claim 24, wherein the shroud lid is operable to decouple from the shroud at either the first hinge coupling or the second hinge coupling to open the shroud lid.

26. The assembly of Claim 25, wherein:
the shroud lid is operable to pivot with respect to the shroud at the second hinge coupling when the shroud lid is opened if the shroud lid is decoupled from the shroud at the first hinge coupling to open the shroud lid; and
the shroud lid is operable to pivot with respect to the shroud at the first hinge coupling when the shroud lid is opened if the shroud lid is decoupled from the shroud at the second hinge coupling to open the shroud lid.
27. The assembly of Claim 24, wherein each hinge coupling comprises a nut and bolt assembly to couple the shroud lid to the shroud.
28. The assembly of Claim 24, wherein the shroud comprises plastic.
29. The assembly of Claim 28, wherein the plastic comprises polyurethane.
30. The assembly of Claim 28, wherein the plastic comprises polyethylene.
31. The assembly of Claim 24, wherein the shroud comprises a generally conical shape.
32. The assembly of Claim 24, wherein a bottom edge of the base region is configured to conform to a convex top surface of the underground tank.
33. The assembly of Claim 24, wherein the underground tank is configured to store liquid propane gas (LPG).
34. The assembly of Claim 24, wherein:
the shroud comprises at least one bracket slot proximate the base region; and
the underground tank comprises at least one bracket, each bracket configured to slide into a respective bracket slot of the shroud to hold the shroud into place when installed.

35. The assembly of Claim 24, wherein the shroud lid comprises a hole approximately vertically aligned with the riser of the underground tank.

36. The assembly of Claim 24, wherein the shroud lid comprises a diameter of sixteen to twenty-one inches.

Appendix B: Evidence

(None)

Appendix C: Related Proceedings

The Appellant, the undersigned Attorney for Appellant, and the Assignees know of no applications on appeal that may directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.